

GEORGIA STATE BOARD OF FUNERAL SERVICE

WORK SESSION MINUTES

August 13, 2008

The Georgia State Board of Funeral Service held a work session on August 13, 2008, at the offices of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA. Chairman David Roach called the work session to order at 10:00 a.m.

The following Board members were present: David Roach, Linda Ware, Nancy Kennedy, Lauren McDonald, Terry Daviston, and Thelon Hamby. Draper Watson, who had a conflicting commitment, arrived at the meeting at 1:00 p.m.

Chairman Roach began the meeting by stating the purpose of the meeting was to discuss various funeral and crematory issues with representatives from the various funeral organizations in the state. Each funeral association in the state, as well as both colleges of funeral service, were contacted and invited to send representatives to the work session.

The Board welcomed the following representatives to the work session: David L. Campbell of the Georgia Funeral Service Practitioners Association; David Carl Hurt, Sr., of the Georgia Funeral Service Practitioners Association; Ricky Barrett of the Independent Funeral Directors of Georgia; Sam Tolbert of the Independent Funeral Directors of Georgia; Dana Lemon of the Georgia Funeral Service Practitioners Association; Bryan Evans of the Georgia Funeral Directors Association; Alysia McDonald, Executive Director of the Georgia Funeral Directors Association; Y'lonne Hodges of Ogeechee Technical College; Jarvis W. Barnes of Ogeechee Technical College and the Georgia Funeral Service Practitioners Association; Leroy Lockhart and Lewis Sims of Lewis Sims & Son Funeral Home; Patty S. Hutcheson of Guppton-Jones College of Funeral Service; Claybon J. Edwards and Thomas Williams of C.J. Edwards Funeral Home, Inc.

The discussion began with the topic of self-directed cremations. Mr. Evans referred to Ohio law, which allows self-directed cremations; however, the law also allows the self-directed cremation to be reversed by the next-of-kin. Georgia law currently does not allow self-directed cremations.

Ms. McDonald advised the Board and representatives that she receives frequent calls from the public complaining that self-directed cremations are not allowed by Georgia law. Mr. Hurt expressed his opinion that the desires of the person should be honored.

Ms. Lemon expressed her opinion that a universal authorization form will be needed if legislation is considered to provide for self-directed cremations. Standard language is needed on the form to cover all aspects of the direction of the cremation, including the disposition of the cremains.

The authorization form for cremations will help to reduce the funeral home or crematory's liability when family members are not in agreement with the deceased's wishes to be cremated. Mr. Tolbert expressed the problems in dealing with split families.

The Board members and the representatives also discussed the need for a 24-hour waiting period before cremations are performed. Mr. Evans expressed his opinion that the waiting period is needed. He advised the panel that South Carolina is one of 35 states that currently require a waiting period.

Relating to this topic, Mr. Evans stated that the GFDA is opposed to an executor of an estate being the first line in decision-making regarding a deceased person before the surviving spouse.

The next issue discussed was the problem of unclaimed cremains. Current state law allows for unclaimed cremains to be turned over to the coroner or medical examiner for disposal. The panel discussed the possibility of establishing a procedure for establishments to store unclaimed cremains. Ms. Lemon suggested that the procedure should allow for the establishment to store the unclaimed cremains within the establishment for a period of time. She suggested a seven-year period.

Ms. McDonald stated that a deceased person should not be differentiated between an embalmed person and a cremated person. A distinction should not be allowed by law between an embalmed body and a cremated body. The funeral establishment should be allowed to treat a cremated body that is unclaimed just as it would an embalmed body that is unclaimed. Mr. Hamby read OCGA 31-21-4 (b), stating that current law allows for unclaimed cremains to be disposed of through the local coroner's office. Local governments are responsible for establishing funds for indigent burials.

The suggestion was made to amend the law to define cremation as a method of disposition. This amendment could help recognize cremation as an acceptable form of disposition, and could assist local governments in establishing funds for making disposition of indigent cremains.

The suggestion was also made to amend the law to make unlawful the holding of cremated remains hostage for payment. Current law makes unlawful the holding of deceased human bodies hostage for payment.

The panel discussed the issue of how to dispose of artificial implants retrieved from a cremation. Artificial implants are required to be identified on cremation forms; however, no guidelines are in place to assist funeral and crematory establishments in disposing of the implants after cremation. Mr. Roach suggested that GFDA contact Stericycle for information helpful to establishing a procedure. Mr. Evans volunteered to contact NFDA and also to contact hospitals in his area to gather information on how hospitals dispose of surgical instruments.

The panel discussed the issue of training for crematory personnel. Mr. Hamby stated that all operators of crematories should be trained according to established cremation guidelines, such as those established by CANA. Although retort operators are not licensed or registered with the Board, the crematory can be required to maintain records on all retort operators employed by the crematory, including training records and certificates. Mr. Evans stated that he would like to see retort operators have to obtain a license with the Board. Mr. Roach stated his agreement with licensure.

Mr. Daviston stated that a licensed FD should be required to be at all cremations, just like a FD must be present at the burial.

The panel discussed responsibilities of the Funeral Director in Full & Continuous Charge. The panel agreed that the FDFCC must be held accountable for the activities at the funeral home. The panel also acknowledged the difficulty of determining the availability of the FDFCC to the community for funeral establishments that do not have enough business to warrant a full-time FDFCC.

The panel next discussed the issue of unlicensed owners of funeral and crematory establishments. The question was posed to the panel whether owners of funeral and crematory establishments should be licensed funeral directors. Mr. Campbell and Mr. Hurt both expressed their opinions that requiring the owner to be a licensed funeral director will help ensure professional operations. The panel asked for clarification on whether the question pertained to sole proprietors or to all forms of ownership. The question applied to all types of ownership. Requiring the owner to be a licensed funeral director will necessitate requiring that at least one corporate officer, member of an LLC, or partner of a partnership to be licensed as a funeral director. The general consensus among the panel was that owners of establishments should be licensed as funeral directors.

The issue of casket stores was discussed by the panel. Federal Trade Commission law governs providers of funeral services and merchandise. Since casket stores only provide merchandise, casket stores are exempt from FTC law. Problems addressed related to casket stores included the quality of merchandise sold by these stores, exemption from the FTC requirement of a General Price List, which funeral establishments must provide, and failure to ensure that the casket sold is appropriate for the size of the body of the deceased. An example was given of a situation in which a family purchased a casket from a casket store that was too small for the body of the deceased. The panel agreed that, although the federal law does not govern casket stores, the state should consider requirements for sellers of funeral merchandise in the interest of consumer protection.

The issue of out-of-state transporting of a deceased body was discussed. The panel discussed the process that requires the death certificate to be filed in Georgia before transporting, and that a transit permit must be obtained; however, the statement was made that a funeral director is not required to transport a body out of the state. Mr. Hamby stated his belief that the law does require a funeral director in the transporting of the body out of Georgia. Mr. Hamby cited OCGA 43-18-4, which states that the practice of

funeral directing requires a license. He then cited OCGA 43-18-1 (19), which defines “practice of funeral directing” as “making or directing, at need or preneed, arrangements for the preparation and transportation of dead human bodies for final disposition and the supervision and direction of all funeral services.” Mr. Hamby emphasized “transportation” to express his belief that a funeral director must be present in the process of preparing for the transportation of the deceased body out of the state. He suggested that the Board ask the Attorney General for advice on this issue to clarify whether a funeral director must be involved in transporting deceased bodies out of Georgia. The panel agreed with Mr. Hamby’s suggestion.

The panel discussed the issue of tissue procurement. The panel agreed that tissue procurement should not be performed in a funeral establishment, as funeral establishments are not sufficiently sterile environments for this procedure. Currently, tissue procurement can be performed in a funeral establishment. Funeral establishments are paid by the procurement organization for use of the embalming room for procurement of tissue. The issue was raised about proper notification of families that tissue procurement is being performed. Mr. Roach provided the panel with a copy of a Provisional Report of Death that is used in Kentucky. The form requires indication whether the deceased is an organ donor. The form also requires a third-party tissue procurement organization to notify the family of the deceased. Ms. McDonald expressed her opinion that tissue procurement companies should disclose to the family in writing that the company is reimbursing the establishment for use of the establishment’s embalming room in procurement of the tissue. Dialogue with procurement agencies will be considered for a future meeting.

Mr. Evans brought up the issue of the difficulty in getting signatures on death certificates for burn victims from other states who were treated in a GA hospital burn unit. The death certificate is filed where death occurs in Georgia, but the signature must first come from the coroner in the state where the accident occurred. Mr. Roach stated that the DHR needs to get involved in the issue. Dialogue with DHR will be considered for a future meeting.

Ms. McDonald expressed a desire to develop educational material for the public to instruct the public on issues involved in death and dying. The material can be linked on association websites and on the Secretary of State’s website for public review. The material will help educate the public on the process of preparing for the death of a loved one, including the steps involved, the organizations to contact, and the forms to complete.

There being no further business to discuss, Mr. Roach thanked the representatives for attending the work session and participating in the discussions. The Board will notify the associations and colleges of future work sessions. The work session adjourned at 2:50 p.m.

Minutes were approved at the September 9, 2008 meeting.